

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS**

**FOR THE FOURTH CIRCUIT**

ALBERT MANNING SCOTT, SR.,

Petitioner-Appellant.

v.

No. 98-7164

UNITED STATES OF AMERICA, WILLIE

J. SCOTT, in his capacity as Warden,

U.S.P. Atlanta,

Respondents-Appellees.

Appeal from the United States District Court  
for the Middle District of North Carolina, at Greensboro.

James A. Beaty, Jr., District Judge;

P. Trevor Sharp, Magistrate Judge.

(CA-98-509-1)

Submitted: December 17, 1998

Decided: January 11, 1999

Before WILKINS, NIEMEYER, and TRAXLER, Circuit Judges.

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Remanded by unpublished per curiam opinion.

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**COUNSEL**

Albert Manning Scott, Sr., Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit. See  
Local Rule 36(c).

## OPINION

### PER CURIAM:

Albert Manning Scott, Sr., appeals an order of the magistrate judge dismissing without prejudice his motion filed under 28 U.S.C.A. § 2241 (West 1994 & Supp. 1998). We remand for further proceedings.

Absent consent of the parties to the magistrate judge's jurisdiction to enter final judgment under 28 U.S.C. § 636(c) (1994), this court has no jurisdiction to review a magistrate judge's order. See Silberstein v. Silberstein, 859 F.2d 40, 41-42 (7th Cir. 1988); Parks ex rel. Parks v. Collins, 761 F.2d 1101 (5th Cir. 1982). The record before the court does not reflect consent of the parties to the magistrate judge's exercise of jurisdiction or referral of the action to the magistrate judge under 28 U.S.C. § 636(c).

We accordingly grant Scott's application to proceed in forma pauperis and remand the case for determination by the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

### REMANDED